



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Mary Ann Copas
Mary Ann Copas, Secretary

DAE
AF
3727
#12/dpm
11-14-03
Ret. re
Jay Klein

In the Application of Melvin Hatch

Ser.No.: 09/941,029

Filed: August 28, 2001

For: HEAT CONDUCTING SUPPORT FOR CURVED BOTTOM VESSELS

Art Unit: 3727

Examiner: Joseph C. Merek

Commissioner for Patents
Alexandria VA 22313-1450

MAIL STOP PETITION

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PETITION

Sir:

Appellant respectfully petitions for reconsideration of the Examiner's decision regarding the drawings of the above-identified application.

The Examiner initially rejected the drawings in the Office Action dated 08/13/2002. Applicant provided a proposed amendment to the drawings in the amendment filed November 13, 2002 in response to the Office Action of 08/13/2002.

The Examiner objected to the proposed amendment to the drawings in the Final Rejection Office Action dated 01/31/2003 because, as stated by the Examiner, "they introduce new matter into the drawings".

In response to the Final Office Action new matter rejection of the proposed drawing amendment, Applicant cancelled the previously submitted drawings and, in the

amendment submitted on April 15, 2003 in response to the Final Rejection, new proposed drawings were provided. With this submission, Applicant stated:

With regard to the rejection of the proposed drawings submitted with the previous amendment, please cancel this proposal and substitute therefor the enclosed new proposed Fig. 1a, which shows a base as a separate component. Support for this proposed drawing change can be found at the top of page 5 of the specification of the instant application. It is therefore respectfully submitted that no new matter is being added. With regard to the aperture feature of claim 8, this claim has been cancelled, so that no further drawing therefor is required. If the proposed Fig. 1a is approved, the following language could be added to page 2 of the specification:

"Fig. 1a shows a base as a separate component;"

A copy of the proposed drawing amendment as submitted on April 15, 2003 is enclosed herewith.

In the Advisory Action dated 04/25/2003, the Examiner disapproved the proposed drawing correction filed on April 15, 2003.

Applicant filed a Notice of Appeal on April 30, 2003, and an Appeal Brief on June 25, 2003. In the Appeal Brief Applicant noted under "Issues" the following:

Whether the drawing proposal for Fig. 1a as submitted with the April 15, 2003 amendment contains new matter.

Applicant further states under "Issues":

With regard to the disapproval of proposed drawing Fig. 1a in the Advisory Action of 04/25/2003, this disapproval is not understood since page

5, lines 1 – 3, of the specification of the instant application state that the “base could, however, also be a separate piece to which the outer portion is connected in any suitable manner”.

In response to the filing of the Appeal Brief, the Examiner has issued a Notification of Non-Compliance with 37 CFR 1.192(c) dated 09/24/2003. In the Notification, Applicant was reminded that the drawing matters are petitionable and not subject to appeal. In response, Applicant herewith respectfully submits this petition for reconsideration of the Examiner's decision regarding the proposed drawings of the instant application as submitted on April 15, 2003.

Applicant has attempted to state all facts involved, the points to be reviewed, and the action requested. However, should additional information be required to review this request for reconsideration, the undersigned would very much welcome a telephone call in order to address any remaining issues.

Should fees be required, now or in the future, the Commissioner is authorized to charge such fees to deposit account 02-1653.

Respectfully Submitted,



Robert W. Becker, Reg. No. 26,255
for applicant(s)

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